FOR MYSORE STATE

Public Works (195 5-6) Department.

N

B

RR SERIES.

G.O. No. 85

Dated 21-1-56

closed
No
27-1-56.

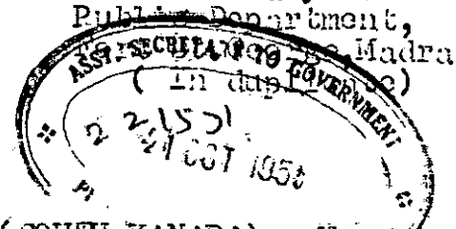
[Despatch Abstract.]

LAND ACQUISITION - South Kanara District - Hosdrug Independent Sub-Taluk, Hosdrug village - R.S.No.139/7 Acquisition for construction of Posts & Telegraphs Building - Draft Notification under Section 4(1) of Land Acquisition Act - Approved and Published.

R.Dis.20684/55. S.K.Collector's Office,Mangalore.
Dated.15-10-55.

From
Sri M.G.Raja Ram,I.A.S.,
Collector of South Kanara,
Mangalore.

To
The Secretary to the Government,
Public Department,
Secretariat, Madras.9.
(Through the Collector)



Sir,

LAND ACQUISITION(SOUTH KANARA) - Hosdrug Independent Sub-Taluk Hosdrug Village-R.S.No.139/7 - Post and Telegraph building-Construction of Proposals- Notification -Section 4 (1) and D.D.under Sec.6 of the L.A. Act-Report submitted.--

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These proposals have been taken up at the instance of the Superintendent, of Post Offices, South Kanara Division, Mangalore- 2. He has applied for a portion of R.S.No. 139/7 of Hosdrug Village, denoted as R.S.No.139/7B. measuring about 0-20 acre for the purpose of constructing a post-office cum telegraph office building. The plot though stands registered in the Revenue Accounts as- garden, the report of enquiry shows, that it contains no garden trees, except a small teak plant, and a byni plant. The plot does not contain any religious edifices, tombs or grave yards or any other Structures. The registered holder of the plot is U.B.M.Church in India, Trust Association, Mangalore.

2/- After due enquiry, the plot has been valued at Rs.6250/- per acre, basing the data for the valuation on the sale statistics of RS No.201/11 of Hosdrug Village. While adopting the market value at Rs.6250/- per acre, the proximity of the plot to the town and the road frontage, have been taken into consideration. It is reported that the plot is ideally situated for a P & T building. The plot is surrounding on ~~these~~ three sides by dilapidated mud-walls. The Revenue Divisional Officer, Puttur after inspection of the plot reports that the land value in Hosdrug is generally very high and that the market rate of Rs.6250/- per acre adopted in this case, is fair and reasonable. The entire Cost of acquisition, including 15% Solatium, works out to Rs.1627-4-0.

3. The plot does not contain any improvements worth the name. It is either waste or arable, though registered as garden. The Postal Authorities, have requested to acquire the plot urgently and place it at their disposal, for the immediate Construction of a Post-Office-cum telegraph Office building. This is a case in which, the enquiry under Sec. ß 5.A of the Land Acquisition Act may be dispensed with and the Provisions of the urgency clause under Sec. 17(4) of the said Act enforced regard being had to the request of the Superintendent of Post Offices to complete the entire transaction before the close of this year.

4. In the circumstances, stated, I recommend that enquiry under sec. 5A of the L.A. Act may be dispensed with, and the draft notification under Sec. 4(1) and D.D. under Section 6 of the L.A.Act read with Sec. 17(1) of the L.A. Act both in duplicate submitted herewith may be approved and ordered to be published in the Fort St.George Gazette.

p5 infra
p7 infra

Yours faithfully,

19--10--55.
For Collector, S.K.

Copy to the Revenue Divisional Officer, Puttur with enclosures
Copy to the Superintendent of Post Offices, South Kanara Division, Mangalore.2.

5/

Acquisition of land for the purposes of the Union

Draft notification under Sec. 4(1) of the Land Acquisition Act.

WHEREAS in exercise of the powers conferred by clause (1) of article 258 of the Constitution the President has in Notification No.20/1/55 in Judicial (I) dated 14-5-55 entrusted to the Government of Madras, with their consent, the functions of the Central Government under the Land Acquisition Act 1894 (Central Act I 1894) in relation to acquisition of land for the purposes of the Union in this State;

And Whereas the Land specified in the Schedule below is needed for a public purpose to wit for the construction of a P&T Building, notice to that effect is hereby given to all whom it may concern in accordance with the provisions of Section 4(1) of the said Act;

Now therefore, in exercise of the powers conferred by the aforesaid section the Governor of Madras hereby specially authorises the Revenue Divisional Officer, Puttur his staff and workmen to exercise the powers conferred by Section 4(2) of the Ac

Under sub-Section (4) of Section 17 of the Act the Governor of Madras directs that in view of the urgency of the case the provisions of section 5-A of the Act shall not apply in this case.

Schedule

South Kanara District; Kasaragod Taluk No.91 Hosdrug Village

1) Ryotwari - Garden R.S.No.139/7(portion) belonging to U.B.M. Church in India, Trust Association, Mangalore 0-20 Acre.

S.K.Collector's Office,
Mangalore Dated. 15-x-55.

--10--55.
For Collector, S.K.

Draft Declaration under section 6 of the L.A.Act. 7

WHEREAS in exercise of the power conferred by clause (1) of article 258 of the Constitution the President has in notification No.20/1/55 Judicial (I) Dated 14-5-55 entrusted to theGovt. of Madras with their consent the function of the Central Government under the Land Acquisition Act 1894 (Central Act I 1894) inrelation to the acquisition of Land for the purpose of the Union in this State and whereas it has already been decided that the Compensation should be paid from public revenues.

Now therefore in exercise of the powers conferred by Section 6 of the Land Acquisition Act the Governor of Madras hereby declared that the Land sepcified below and measuring acre 0-20 be the same a little more or less is needed for a public purpose to wit, for the construction of a P&T Building and under Section 3 and 7 of the same Act, the Revenue Divisional Officer, Puttur is appointed to perform the functions of a Co-Collector under the Act and directed ~~him~~ to take order for the acquisition of the said land. Under Sub-Section(1) of the Section 17 of the Act, the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9(1) of the Act. A plan of the land kept in the Office of the Revenue Divisional Officer, Puttur may be inspected at any time during office hours.

SCHEDULE

South Kanara District - Kasaragod Taluk(Hosdrug Sub-Taluk) No.91 Hosdrug Village.

Ryotwari, Garden R.S.No.139/7(portion) Registered holder U.B.M. Church in India, Trust Association Mangalore 0-20 acre.

S.K.Collector's Office,
Mangalore Dated 15-x-55.

3/6 --10--55.
For Collector,S.K.

R.Dis.20684/55. S.K.Collector's Office, Mangalore.
Dated.15-10-55.

From
Sri M.G.Raja Ram, I.A.S.,
Collector of South Kanara,
Mangalore.

To
The Secretary to the Government,
Public Department,
Fort St.George, Madras.9.
(In duplicate)

S i r,

LAND ACQUISITION(SOUTH KANARA) - Hosdrug Independent Sub-Taluk Hosdrug Village-R.S.No.139/7 - Post and Telegraph building-Construction of Proposals- Notification -Section 4 (1) and D.D.under Sec.6 of the L.A. Act-Report submitted.--

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3. The plot does not contain any improvements worth the name. It is either waste or arable, though registered as garden. The Postal Authorities, have requested to acquire the plot urgently and place it at their disposal, for the immediate Construction of a Post-Office-cum telegraph Office building. This is a case in which, the enquiry under Sec. 5.A of the Land Acquisition Act may be dispensed with and the Provisions of the urgency clause under Sec. 17(4) of the said Act enforced regard being had to the request of the Superintendent of Post Offices to complete the entire transaction before the close of this year.

4. In the circumstances, stated, I recommend that enquiry under sec. 5A of the L.A. Act may be dispensed with, and the draft notification under Sec. 4(1) and D.D. under Section 6 of the L.A.Act read with Sec. 17(1) of the L.A. Act both in duplicate submitted herewith may be approved and ordered to be published in the Fort St.George Gazette.

Yours faithfully,

4/6 19--10--55.

For Collector, S.K.

Copy to the Revenue Divisional Officer, Puttur with enclosures

Copy to the Superintendent of Post Offices, South Kanara Division, Mangalore.2.

Draft Declaration under section 6 of the ~~L.A.~~ Land Acquisition Act. 15

WHEREAS in exercise of the power conferred by clause (1) of article 258 of the Constitution the President has in notification No.20/1/55 Judicial (I) Dated 14-5-55 entrusted to theGovt. of Madras with their consent the function of the Central Government under the Land Acquisition Act 1894 (Central Act I 1894) inrelation to the acquisition of land for the purpose of the Union in this State and whereas it has already been decided that the Compensation should be paid from public revenues.

. Now therefore in exercise of the powers conferred by Section 6 of the Land Acquisition Act the Governor of Madras hereby declared that the Land sepcified below and measuring acre 0-20 be the same a little more or less is needed for a public purpose to wit, for the construction of a P&T Building and under Section 3 and 7 of the same Act, the Revenue Divisional Officer, Puttur is appointed to perform the functions of a Collector under the Act and directed ~~him~~ to take order for the acquisitionof the said land. Under ~~Sub~~-Section(1) of the Section 17 of the Act, the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9(1) of the Act. A plan of the laid ~~is~~ kept in the Office of the Revenue Divisional Officer, Puttur may be inspected at any time during office hours.

SCHEDULE

South Kanara District - Kasaragod Taluk(Hosdrug Sub-Taluk) No.91 Hosdrug Village.

Ryotwari, Garden R.S.No.139/7(portion) Registered holder U.B.M. Church in India, Trust Association Mangalore 0-20 acre.

S.K.Collector's Office,
Mangalore Dated 15-x-55.

15 --10--55.
For Collector,S.K.

2 Drafts

17. I

TPN (F2)

[2215 x F/55]

2/5/22/1 Cons: 862-F/56

[Notification No: 30 dt 12.56 printed in Part I of F.S.G.G.]

Sub: Land Acquisition – South Kanara District -- Hosdrug Independent Sub-Taluk -- Hosdrug Village -- R.S. No: 139/7 -- Acquisition for Construction of Posts and Telegraphs Building -- Draft Notification under section 4(1) of Land Acquisition Act -- Approved and Published.

Read: From the Collector of South Kanara, Mangalore, R.Dis. No: 20884/55 dt 15.10.55

G.O. Rt. No: 89 P.W. dt. 21.1.56

The draft notification under section 4(1) of the Land Acquisition Act submitted by the Collector of South Kanara with his reference read above is approved and is forwarded to the Controller of Stationery and Printing, Madras for publication in the Fort St. George Gazette

2. The Government accept the view that the acquisition is an urgent one and under section 17(4) of the Land Acquisition Act direct that the provisions of section 5-A of the Act shall not apply to this case.

pp 1-7 cf.

pc cf

pp 1-7 cf.

Date ... 21-1-56.

To The Controller of Stationery & Printing, Madras (with copy of draft notification)

To The Board of Revenue.

To The Collector of S. Kanara

p 136 – misprint.

5.1.56

6.1.56

6.1.56.

9.1.56

PTO

18 II

2 Drafts.

215(a)
22/1

Memo: no: 2215xF/55-6 dt 21-1-56.

Sub: Land Acquisition – South Kanara District – Hosdrug Independent Sub-Taluk – Hosdrug Village R.S. No: 139/7 – Acquisition for construction of Posts & Telegraphs Building – Draft Declaration under Section 6 of Land Acqn. Act.

Ref: From the Coll. of S. Kanara, R.Dis. 20684/55 dt 15-10-55.

With reference to the draft declaration submitted with his letter cited, the attention of the Collector of S. Kanara is invited to G.O. Ms. 3858 Revenue dated 15-12-55 and he is requested to resubmit the declaration in the revised form prescribed in the annexure to the above G.O.

2. He is also requested to state whether the whole or a part of the compensation shall be paid out of public revenues.

6-1-56.

5-1-56.

6-1-56

9-1-56

To the Collector of South Kanara.

Vide 2nd page

[C. No: 2215 xf/55]

Sub: Land Acquisition - South Kanara - Hosdurg Independent Sub-Taluk - Holdrug Village - R.S.No. 139/7 - Post and Telegraph Building - Construction of - Draft Notification under section 4(1) and Draft Declaration under section 6 of Land Acquisition - Approved and Published

Read: From the Collector of South Kanara, Mangalore, R.Dis. No. 20684/55 dt. 15.10.55

pp 1-7 cf

G.O. Rt. No. P.W. dt.

The draft notification under section 4(1) and the draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara with his reference read above are approved and forwarded to the Superintendent, Government Press, Madras for publication.

p 5 cf

p 7 cf

2. The Superintendent, Government Press, Madras is requested to see that the notification and the declaration are published in successive issues (not in the same issue) of the Fort Saint George Gazette, the notification

2/

under section 4(1) being published earlier

3. The Government accept the view that the acquisition is an urgent one and under section 17(4) of the Land Requisition Act direct that the provisions of section 5-A of the Act shall not apply to this case.

Rev 22/10/55 DMS 22-10-55

M 26.10.55

To The Superintendent, Government Press, Mint Buildings, Madras (with copy of notification and draft declaration)

Mp13-15/ in original

To The Board of Revenue, Chepauk, Madras.
To The Collector of South Kanara, Mangalore

Note: Revenue may see before issue

Rev 22/10/55 DMS 22/10/55

M 26.10.55 Rev.

PWDV.O.M.2215&F/55-1
1-11-55

Issue Issued

'A' alone may be accepted in the draft and the file returned to P.WD Though the land belongs to the U.B.M. Church in India Trust Assn.

9/11/55

P WD

'A' on p 1 & f

ASSISTANT SECRETARY TO GOVERNMENT
8 NOV 1955
REVENUE DEPARTMENT

'A' at p 1/7

There seems to be no objection to acquiring the land as it does not contain any religious edifices, tombs or grave yards. In another connection Law have held the view that the preamble to the declaration under Section 6 of the L.A. Act should specify that the compensation is proposed to be met from public revenues (in the present case from the funds of the Govt of India) and that before this is done, it should be recorded in the papers relating to the land acquisition that the compensation is payable from public revenues. In the connected file this deptt has requested Law to advise whether it will not be sufficient if the order approving the draft notification and draft declaration of the kind dealt with in this file, it is stated that the compensation will be met from by the Govt of India and whether the following words are added at the end of the preamble at p 7/c "and whereas it has already been decided that the compensation should be met from the funds of the Govt of India".

A

PW may be requested to make necessary alterations to the

4 X/

draft order and draft declarations after consulting Law

5/4/55

Varma 8/11/55

PWD/PWD

Revv 940980/55

8-11-55

PW.(F2)

ASST. SECRETARY TO GOVERNMENT 2707X 9-NOV 1955 PUBLIC WORKS DEPARTMENT

Law Deptt. may kindly direct to see & advise on the point raised by the Rev. Deptt. in their note on pages 2-4 above

M 11.11.55 K.S.

Ur 13.11.55

10/11/55 Dr 10/11/55

7

Law / PW Lr.no. 2707X-F/55-2 2215X

16-11-55.

Law Department.

A copy of the opinion of this Department in the file referred to at A on page 3 ante is put up at (P).

ASSISTANT SECRETARY 16 NOV 1955 15812 LAW DEPARTMENT, MADRAS

Gn 25-11-55

PWD.(F2)

Law D 15812/55-1 26/11/55.

Please see the notes from the bottom of page 2 ante to page 4 above.

2. It seems desirable if that the Revenue Deptt. suggest suitable amplification to the general form of draft declaration under section 6 of the LA. Act in the case of acqns. for Govt. in consultation with the Law Deptt. ~~point is not clear~~ while the exact form of ~~app~~ amplification to be made

ASST. SECRETARY TO G 20 NOV 3119X

X

Vide middle of page 1 (P)

to the draft declaration has not been clearly indicated in the notes of the Law Dept. The file may be sent to Revenue for ~~remarks and~~ advice in regard to the form of drip-declan. to be followed in the present case.

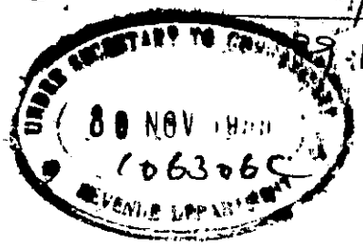
Law 26.11.55

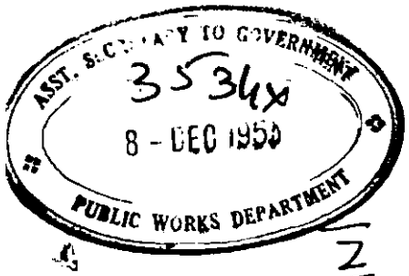
Dft 27.11.55

28.11.55 Rev

PW Mno: 2215-X-F/55-3

29.11.55.





Z

M

Revenue Deptt

The following words should be inserted at the end of the preamble on p 7 c.f. :—

"and whereas it has already been decided that the compensation should be paid from public revenues"

~~Rev~~ PWD may also follow the procedure suggested at 'A' on p 2 of (P)

4/12/55

Law 6/12/55

PWD

PW (F2)

PWD

Rev no/06306C/55-1

dt 6-12-55

Please see the note of the Revenue Deptt. above.

2. The draft declaration has been amplified as indicated at Z above. With reference to M, it is not quite clear whether in cases falling under the provisions of the urgency clause under section 17(4) of the Land Acquisition Act, it will be necessary to issue a separate order for publication of the draft declaration or it will be sufficient if Consolidated orders, as

✓ Vide pp 7 and 15 c.f.

A1

b- F CW

in the draft order on pages 1-2 ante, are issued. The Revenue Deptt may be requested to advise in the matter. They may also be requested to issue suitable amendments to the forms of draft notification and draft declaration already prescribed and to give clear instructions to the Revenue Authorities in the matter as to the procedure to be followed in future in regard to cases of Land Requisitions to be undertaken for the purposes of the Union Government.

Sec 11.12.55 DS 12.12.55

M 12.12.55 Rev.

PW Memo: 2215xF/55-4 12-12-55

Revenue Deptt

15 DEC 1955 111244 GOVERNMENT OF PARTICIPANT

'A' on pp 5-6 above. In order to follow the procedure laid down at 'A' on p 2 of (P), separate orders have to be issued.

'S' above. Suitable instructions are under issue. The file may be returned to the P.W.D.

21/12/55

Jkmm 22/12/55

PWD

Ap/FD

PWD

PW (F2)

Rev no 111244 G/55

23-12-55

Copies sent to GOVERNMENT 28 DEC 1955 PUBLIC WORKS DEPARTMENT

CJ

Copies at (G) | His note no: 84887-C/55-3 Revenue dt. 13.12.55 (copies put up at-(G).

2. With reference to the revised procedure now proposed by Revenue & Law for adoption, a draft order approving the draft notification under section 4(1) of Land Acquisition Act along with issue of direction under section 17(4) of Land Acquisition Act and also a draft memo. asking the Collector of S. Kanara to submit revised draft declaration are submitted for approval.

Vide pp 2 ante & Copies put up at (G)

Drafts I & II below

3. Revenue and Law may see before issue.

Law 5-1-56.

M 6.1.56

Law 6/1/56

Law 9.1.56

Rev / Law

PW Memo. 2915 x F/55-5 10.1.56

To us

Rev Dept

Law seen by this Dept & pls ante the subsequent note and the drafts below may be perused. Para 2 of the draft order may be agreed to in this Dept and the file passed on to Law.

Law 16/1/56

Law / Law Dept

UNDER SECRETARY 17 JAN 1956 3309 REVENUE DEPARTMENT

20 JAN 1956 Law PUBLIC DEPARTMENT

Rev 3309 C/55 / 18.1.56

Seen in Law.

19.1.56

US / PWD

PWD

55/

ASSISTANT SECRETARY 17 JAN 1956 796 LAW DEPARTMENT, MADRAS

Law Memo 796/56-1 20/1/56

PM (Fz)

The drafts below may now be issued.

21.1.56

DMS
20/1/56.

J.15333

796

The decision to contribute compensation wholly or in part out of public revenues should be taken prior to the declaration under sec.6(1). It is best to set out the procedure that has to be followed for this purpose. Government at first issue a notification under sec.4(1) stating that land in any locality is needed or likely to be needed for any public purpose Under sec.5-A(1) any person interested in any land notified under sec.4(1) can object to the acquisition of the land. According to sec.5-A(2) the Collector after giving the objector an opportunity of being heard and after hearing such objections and after making such further enquiries, if any, should submit thecase to the decision of the Govt. together with the record of the proceedings and a report containing his recommendations on the objections. Govt. will then have to decide whether the land is needed for the public purpose or not in the light of the objection and the recommendations of the Collector. It is only after deciding that, a land is needed for a public purpose that Govt. can think of coming to a decision as to whether the compensation should be met wholly or partly out of public revenues. It, therefore, follows that it is only after the decision of the Govt. overruling the objections to the acquisition is recorded that the stage for specifying the amount of compensation which Govt. propose to pay out of public revenues will be reached. Revenue, may therefore record their decision under sec.5(A(2) first, and then decide the contribution to be made of the public revenues towards compensation. They may thereafter take steps to publish the declaration under sec.6(1)." In the preamble to the declaration it may be mentioned that it has already been decided to contribute the whole or part of compensation as the case may be out of public revenues. See in this connection notes of this deptt. dated 2nd Aug 1956.

2/10

'A' on page 11 ante.

The direction that the provisions of sec.5- shall not apply, is usually made along with the notification under sec.4(1). The declaration under sec.6 can however be made only after the publication of the notification under sec.4(1). See sec.17(4). The points mentioned in the notes of this department in paragraph 2 at pp.7-8 ante, will not be applicable to a case when opportunity to object to the acquisition of the land is not given. After issuing the notification under sec.4(1) along with direction under section 17(4), Govt. may record a decision that the whole or a part of the compensation shall be paid out of public revenues. The declaration under sec.6(1) may issue thereafter. The preamble to such a declaration may refer to the decision already taken to contribute the whole or a part of the compensation as the case may be out of public revenues.

'C' on page 11 ante.

The preamble may be as follows:-

"The Govt. having been satisfied that the land specified in chedule below has to be acquired for a public purpose and it having already been decided that Rs..... is to be paid out of public revenues towards compensation to be awarded for the land, the following declaration is issued under sec.6".

'D' on page 12 ante.

It seems sufficient to mention the words 'public revenues' in the place of the 'funds of the Union Govt.' If only a part of the compensation is to be paid out of public revenues, the amount may be specified.

CJU 24/11

KGVK 26/11

Rev

(G1) 11/

Copy of Revenue Department G.O.Ms. No.3858, dated the 15th December 1955.

Sub: LAND ACQUISITION - Declaration under Section 6 of Land Acquisition Act - Revised forms - Prescribed.

O R D E R:-

The proviso to section 6(1) of the Land Acquisition Act states that no declaration under section 6(1) of the Act shall be made unless the compensation to be awarded for the property to be acquired is to be paid by a Company or wholly or partly out of public revenues or some fund controlled or managed by local authority. In a case relating to the acquisition of land for providing certain Harijans with house sites, the High Court of Judicature, Madras set aside the declaration issued by the Government under section 6(1) of the Act on the ground that there was no evidence that the Government proposed to contribute from the public revenues a nominal contribution of one anna towards the cost of acquisition. In view of the mandatory terms of the proviso to section 6(1) of the Act, it has been decided that the intention whether the compensation for the property to be acquired will be met by a Company or wholly or partly out of public revenues or some fund controlled or managed by a local authority should be specified in a preamble to the declaration under Section 6(1). All Collectors are requested to adopt the forms annexed to this order when submitting draft declarations under section 6 of the Land Acquisition Act.

------oOOo------

ANNEXURE.

(1) Acquisition for purpose of the State.

Draft Declaration under Section 6 of the Land Acquisition Act.

The Government having been satisfied that the land specified in the schedule below has to be acquired for a public purpose and it having already been decided that Rs.... is to be paid out of public revenues towards compensation to be awarded for the land, the following declaration is issued under section 6 of the Land Acquisition Act (Act I of 1894).

Under Section 6 of the Land Acquisition Act, the Governor of Madras hereby declares that the land specified in the Schedule below and measuring acres..... be the same a little more or less, is needed for a public purposes, to wit, for..... .....and under sections 3 and 7 of the same Act, the ..... is appointed to perform the functions of a Collector under Act and directed to take order for the acquisition of the said ~~land and direct and take order for the acquis~~ land. Under sub-section (1)/(2) of Section 17 of the Act, the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of publication of the *immediately after the notice mentioned in section 9(1) of the Act. A plan of the land is kept in the office of the..... and may be inspected at any time during office hours.

*Note: In case buildings are to be taken possession of under the proviso to section 17(2), substitute "on the expiry of 48 hours after the date of" for "immediately after the".

(2) Acquisition for the purposes of the Union.

Draft Declaration under section 6 of the Land Acquisition Act.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President has in Notification

No.20/1/55-Judl.(I), dated 14-5-1955 entrusted to the Government of Madras, with their consent the functions of the Central Government under the Land Acquisition Act, 1894 (Central Act I of 1894), in relation to acquisition of land for the purposes of the Union in this State, and whereas it has already been decided that the compensation should be paid from public revenues.

Now therefore in exercise of the powers conferred by section 6 of the said Act, the Governor of Madras hereby declares that the land specified in the Schedule below and measuring acres.....by the same a little more or less, is needed for a public purpose to wit, for..... .....and under section 3 and 7 of the same Act, the .....is appointed to perform the ~~fun~~ functions of a Collector under the Act and directed to take order for the acquisition of the said land. Under sub-section (1)/(2) of section 17 of the Act, the Governor of Madras further directs that the possession of the said land may be taken- on the expiry of 15 days from the date of / immediately after the publication of the notice mentioned in section 9(1) of the Act. A plan of the land is kept in the office of the..... and may be inspected at any time during office hours.

Note:- (1) The provision under the urgency clause, should be deleted, when not required.

(2) In case buildings are to be taken possession of under the provision to section 17(2) substitute "on the expiry of 48 hours after the date of" for "immediately after the".

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Copy of U.O.Note No.84887-C/55-3, dated 13th December 1955, from the Under Secretary to Government, Revenue Department, to all Departments of the Secretariat including Agriculture (Food Production) (All Sections).

Sub: Land Acquisition - Declaration under section of the Land Acquisition Act.

The attention of the Departments of Secretariat is invited to G.O.Ms. No.3853, Revenue, dated ~~15-12-55~~ 15-12-55, in which revised draft forms of thedeclaration under section 6 of the Land Acquisition Act have been communicated. The Law Department have advised that if the intention to pay the nominal contribution of one anna from public revenues towards the cost of compensation is mentioned in the notification under Section 4(1), it is likely to be criticized on the ground that the Government have prejudiced the very issue whether the land is intended for a public purpose or not. They have advised that the intention should be specified in a preamble to the declaration. They have also suggested that the following procedure be adopted.

2. When the report of the Collector after enquiry under Section 5-A of the Land Acquisition Act is received, the decision under Section 5-A(2) should be recorded first and then the contribution to be made out of public revenues should be decided. Steps may then be taken to publish the declaration under section 6(1). In the preamble to the declaration, it may be mentioned that it has already been decided to contribute the entire or part of compensation as the case may be, out of public revenues.

3. In cases in which the urgency provisions of the Land Acquisition Act are invoked, the direction that the provisions of section 5-A shall not apply, is usually made along with the notification under Section 4(1). After issuing the notification under section 4(1) along with the direction under section 17(4), the decision that the whole or a part of the compensation shall be paid out of public revenues may be recorded. The declaration under section 6(1) may issue thereafter, the decision already taken to ~~xxxx~~ contribute the whole or part of the compensation from public revenues being referred to in the preamble to the declaration.

4. Law have also advised that the scheme of the Land Acquisition Act does not make any distinction when lands are acquired for public purposes between a case of acquisition solely for Government use and other purposes, and that consequently, the proviso to section 6(1) of the Act should be satisfied in all cases of acquisition for a public purpose.